

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In Re: **Widza Cauvin Bryant** : **Chapter: 13**
: **Debtor** : **Bankruptcy No. 22-12106-amc**
: **Objection to Certification of**
: **Default**

**DEBTOR'S OBJECTION TO THE CERTIFICATION OF DEFAULT
FILED BY WIDZA CAUVIN BRYANT**

To: ASHELY M.CHAN, Bankruptcy Judge. Debtor Widza Cauvin Bryant by counsel, Jeffery A. Fournier, Esquire, Objects to the Certification of Default and alleges the following reasons for same:

1. Movant is Wilmington Savings Fund Society, FSB / Fay Servicing LLC, the mortgage and note holder to property located at 2208 Garfield Ave., Croydon, PA 19021.
2. The Respondent/Debtor is Widza Cauvin Bryant, owner of property located at 2208 Garfield Ave., Croydon, PA 19021.
3. On or about January 30, 2023 an order/stipulation between the above parties was entered by the court resolving a pending motion for relief for the automatic stay filed by Movant.
4. The stipulation/order is silent on many terms and condition contained in the original note and mortgage lien

instrument and does not modify the original note nor mortgage lien instrument. Specifically the stipulation is silent as to the payment grace period. The note provides debtor with a fifteen(15)day grace period for each monthly mortgage payment.

5. In accordance with the stipulation/order, Debtor made the following payments:

- a. Check dated January 4, 2023 in the amount of \$ 2,453.61 was accepted and processed by Movant on January 23, 2023;
- b. Cashiers check dated February 6, 2023 in the amount of \$2,659.94 was accepted and processed by Movant on February 13, 2023.
- c. Check dated March 6, 2023 in the amount of \$2,659.94 was accepted and processed by Movant on March 13, 2023.

6. On or about March 6, 2023 Movant drafted and mailed a Notice of Default letter to Debtor alleging she did not make the February and March 2023 payment and was \$4,859.94 behind.

7. On or about March 28, 2023 Movant filed a certification of Default with the court despite knowing or should have known Debtor was in compliance with the order/stipulation. The Certification of Default pleading was certified by Movant's counsel.

8. There is no reasonable explanation as to why the Movant is aggressively enforcing the order/stipulation except that they have a different interpretation of the order/stipulation or isn't using due diligence before initiating letters and filing pleadings with the court.

WHEREFORE Debtor respectfully request this Court conduct a hearing and strike the Movant's Certification of Default.

Respectfully Submitted,

/S/ Jeffery A. Fournier, Esquire

Jeffery A. Fournier, Esquire

Attorney for Debtor

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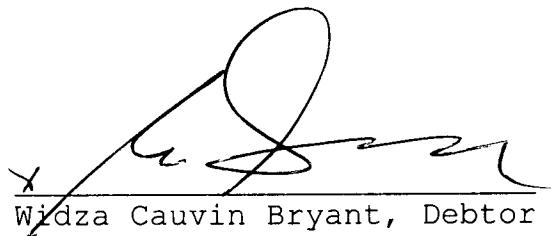
In Re: Widza Cauvin Bryant : Chapter: 13
: Debtor : Bankruptcy No. 22-12016-amc
:
: Objection to Certification of
: Default

VERIFICATION

I, hereby state:

1. I verify that the statements made in the attached pleading are true and correct to the best of my knowledge, information and belief; and

2. I understand that the statements made in the attached pleading are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.



Widza Cauvin Bryant, Debtor

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In Re: **Widza Cauvin Bryant** : Chapter: 13
:
Debtor : Bankruptcy No. 22-12106-amc
:
: Objection to Certification of
: Default

CERTIFICATION OF SERVICE

I, Jeffery A. Fournier, Esquire, hereby certify that I served that the above Notice of Objection was served to the interested parties listed below by first class prepaid postage mail and/or electronically (ECF) on March 31, 2022:

Kenneth E. West, Trustee ECF
P.O. Box 40119
Philadelphia, PA 19106-0119

Daniel P. Jones, Esquire ECF
for Movant

Widza C. Bryant MAIL & E-MAIL
2208 Garfield Ave,
Croydon , PA 19021

/S/ Jeffery A. Fournier, Esquire
Jeffery A. Fournier, Esquire
Attorney for Debtor